

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: **SEP 19 2014**

SAGI Genger,

Plaintiff, : 14-cv-5683 (KBF)
-v- :
: ORDER

ORLY Genger,

Defendant. :
: _____
X

KATHERINE B. FORREST, District Judge:

ORDERED:

Defendant's motion to dismiss (ECF No. 10) is DENIED.

1. The evidence sufficiently supports subject matter jurisdiction as of July 24, 2014, the date of filing of the complaint. (ECF No. 1.)
2. The "motion to dismiss" for lack of consideration and other reasons is also DENIED. Plaintiff has sufficiently alleged the elements of the causes of action to survive the pleading stage. The parties' briefing reveals a host of factual issues outside the four corners of the complaint. The parties may be able to recast these papers as summary judgment briefs at the appropriate time.

The Clerk of Court is directed to close the motion at ECF No. 10.

SO ORDERED.

Dated: New York, New York
September 19, 2014

K. B. Forrest

KATHERINE B. FORREST
United States District Judge